

## **CITY OF HOLLISTER CITY COUNCIL**

### **Minutes of Regular Meeting**

April 18, 2005

#### **CALL TO ORDER:**

The regular meeting of the City Council of the City of Hollister was called to order by Mayor Valdivia on April 18, 2005, at 6:05 p.m. in the City Council Chambers at City Hall.

**ROLL CALL:** Roll was answered as follows:

**PRESENT:** Mayor Pauline Valdivia, City Council Members Brad Pike, Doug Emerson, Robert Scattini, and Monica Johnson, City Manager Clint Quilter, City Attorney Elaine Cass, and City Clerk Geri Johnson.

**ABSENT:** None.

**STAFF PRESENT:** Interim Public Works Director Steve Wittry, Airport Manager Bill Gere, Community Services Director Clay Lee, Administrative Services Director Robert Galvan, Fire Chief Bill Garringer, Police Captain Robert Brooks, Interim Development Services Director Bill Avera, Planning Manager Susan Heiser, and RDA Program Coordinator Bryan Briggs.

#### **VERIFICATION OF AGENDA POSTING:**

The Agenda for the City Council of the City of Hollister meeting of April 18, 2005, was posted on the bulletin board at City Hall on April 15, 2005, at 9:30 a.m. per Government Code Section 54954.2.

#### **CLOSED SESSION AGENDA:**

A. Public comment for Closed Session agenda.

None.

B. Mayor Valdivia announced that the City Council of the City of Hollister would meet in Closed Session to discuss all or some of the following matters:

1. Conference with Legal Counsel - Anticipated Litigation - Significant Exposure to Litigation pursuant to Government Code Section 54956.9(b) - (2 potential cases will be discussed)
2. Conference with Legal Counsel - Anticipated Litigation - Initiation of Litigation pursuant to Government Code Section 54956.9(c) - (2 potential cases will be discussed)
3. Conference with Legal Counsel - Pending Litigation - pursuant to Government Code Section 54956.9(a)
  - a. RWQCB - Cease and Desist Order No. R3-2002-0105
  - b. City of Hollister v. Monterey Insurance Company, California Capital Insurance Company, Case Number M65916
  - c. Nicholson v. Hollister, Case Number CU-04-00063
  - d. Borges et al v. Hollister, Case Number CV030139
4. Conference with Labor Negotiator pursuant to Government Code Section 54957.6:  
  
Agency Negotiator: Clint Quilter  
Employee Organizations: Service Employees International Union, Local 817; Hollister Firefighters Union - Local 3395; Hollister Peace Officers Association; Hollister Mid-Management Association; and un-represented employees in classifications designated as Executive Management and Confidential
5. Threat to Public Services of Facilities pursuant to Government Code Section 54957:

Consultation with City of Hollister Chief of Police

Council Member Scattini moved to recess to Closed Session at 6:06 p.m. to discuss the items listed above. Motion seconded by Council Member Emerson and carried by a unanimous vote.

The City Council reconvened at 6:43 p.m.

## **PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Roll was answered as follows:

**PRESENT:** Mayor Pauline Valdivia, City Council Members Brad Pike, Doug Emerson, Robert Scattini, and Monica Johnson, City Manager Clint Quilter, City Attorney Elaine Cass, and City Clerk Geri Johnson

**ABSENT:** None.

**VERIFICATION OF AGENDA POSTING:**

The Agenda for the City Council of the City of Hollister meeting of April 18, 2005, was posted on the bulletin board at City Hall on April 15, 2005, at 9:30 a.m. per Government Code Section 54954.2.

**CLOSED SESSION:**

City Attorney Cass announced that the City Council of the City of Hollister had discussed the following in Closed Session and there is nothing to report:

1. Conference with legal Counsel - Anticipated Litigation - Significant Exposure to Litigation pursuant to Government Code Section 54956.9(b) - 1 potential case was discussed.
2. Conference with Legal Counsel - Pending Litigation - pursuant to Government Code Section 54956.9(a)
  - a. Nicholson v. Hollister, Case Number CU-04-00063

**A. CONSENT RESOLUTION (April 18, 2005):**

1. Minutes of Regular Meeting of April 4, 2005.
  - (a) Approved the Minutes of the Regular Meeting of April 4, 2005, as submitted.

Council Member Emerson moved to adopt the Consent Resolution (April 18, 2005) as stated above. Motion seconded by Council Member Pike and carried by a unanimous vote.

**ITEMS PULLED FROM CONSENT RESOLUTION (April 18, 2005):**

2. Warrant Registers.

- (a) Received transmittals, Warrant Register, from Administrative Services Director Galvan.
  - (b) Council Member Pike moved to ratify and approve the Warrant Registers:
    - dated March 30, 2005, in the amount of \$139,786.17
    - dated April 7, 2005, in the amount of \$357,804.14Motion seconded by Council Member Emerson and carried by a unanimous vote.
- 3. Temporary Storage of Fireworks at the Hollister Municipal Airport.
  - (a) Received transmittal dated April 8, 2005, Temporary Storage of Fireworks at Hollister Airport, from Airport Manager Gere.
  - (b) Council Member Scattini moved to approve the storage of Safe & Sane fireworks at the Hollister Municipal Airport for 11 days for the fireworks sold in town by local non-profit organizations. Motion seconded by Council Member Pike and carried by a unanimous vote.
- 4. Resolution No. 2005-53, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING A SUPPLEMENTAL APPROPRIATION FOR THE REPAIRS OF HOLLISTER FIRE DEPARTMENT ENGINE 9213 IN THE AMOUNT NOT TO EXCEED \$30,000.00.
  - (a) Received transmittal dated April 8, 2005, A Resolution of the City Council of the City of Hollister authorizing a supplemental appropriation for the repairs of Hollister Fire Department Engine 9213 in the amount not to exceed \$30,000.00, from Fire Chief Garringer.
  - (b) Council Member Scattini moved to deny the Resolution and to absorb the cost of repairs into the current budget without a supplemental appropriation. Motion seconded by Council Member Emerson and carried by a unanimous vote.

**B. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS:**

- 1. Public Input.
  - (a) Jennifer Coile, Hollister, CA announced that the San Benito County Open Studio tour will be held April 23 and 24 and students from San Benito High School will have their artwork on exhibit at the YMCA on Fifth Street. Ms. Coile encouraged the City Council to include dollars for training in the 05/06 budget for City Council Members, Planning

Commissioners, and staff as it is critical to have the tools to do ones jobs.

**C. PUBLIC HEARINGS: (on or about 7:00 P.M.)**

1. Resolution No. 2005-54, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING A REQUEST BY WASTE MANAGEMENT INC. FOR A RATE INCREASE AND DIRECTING THE PREPARATION OF A MEMORANDUM OF UNDERSTANDING CONCERNING SOLID WASTE AND RECYCLING COLLECTION AND DISPOSAL.
  - (a) Received transmittal dated April 8, 2005, A Resolution of the City Council of the City of Hollister Approving a Request by Waste Management, Inc., for a Rate Increase and Directing the Preparation of a Memorandum of Understanding Concerning Solid Waste Collection and Disposal, from City Manager Quilter.
  - (b) This being the time and place as advertised, the Public Hearing was opened at 7:25 p.m.
  - (c) There being no speakers for or against the matter, the Public Hearing was closed at 7:25 p.m.
  - (d) Council Member Emerson moved to adopt Resolution No. 2005-54, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING A REQUEST BY WASTE MANAGEMENT INC. FOR A RATE INCREASE AND DIRECTING THE PREPARATION OF A MEMORANDUM OF UNDERSTANDING CONCERNING SOLID WASTE AND RECYCLING COLLECTION AND DISPOSAL. Motion seconded by Council Member Pike and carried by a unanimous vote.

**D. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:**

1. Read by Title Only and Adopt Ordinance No. 996, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOLLISTER ADDING SECTION 10.44.146 TO THE MUNICIPAL CODE PROHIBITING THE USE OF BICYCLES IN SKATEBOARD PARKS.
  - (a) Received transmittal dated March 24, 2005, An Ordinance of the City Council of the City of Hollister Adding Section 10.44.146 to the Municipal Code Prohibiting the Use of Bicycles in Skateboard Parks, from City Attorney Cass.
  - (b) Council Member Johnson moved to Read by Title Only and Adopt

Ordinance No. 996, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOLLISTER ADDING SECTION 10.44.146 TO THE MUNICIPAL CODE PROHIBITING THE USE OF BICYCLES IN SKATEBOARD PARKS. Motion seconded by Council Member Emerson and carried by a unanimous vote.

- (c) City Attorney Cass read by title only Ordinance No. 996.
- (d) Council Member Pike encouraged anyone interested in a facility for bicycles to contact him.
- (e) Council Member Scattini requested information on how many tickets have been issued for kids not wearing their helmets in the Skate Park.

2. Resolution No. 2005-55, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING A MITIGATED NEGATIVE DECLARATION FOR THE JAMANN MINOR SUBDIVISION LOCATED AT CUSHMAN STREET AND NASH ROAD IN THE CITY OF HOLLISTER (APN #057-230-001, -002, -003, AND -019).

- (a) Received transmittal dated April 11, 2005, A Resolution of the City Council Approving a Mitigated Negative Declaration for the Jamann Minor Subdivision Located at Cushman and Nash in the City of Hollister (APN 057-230-001, -002, -003, and -019), from Planning Manager Heiser.
- (b) Steve Rosati, Hollister, CA presented documents based on inaccuracies presented by staff and consultants. He urged the City Council to make certain that the level of service is maintained at Level C and to include environmental documentation for the Highway 25 Bypass.
- (c) Jennifer Coile, Hollister, CA stated that she believes in the implementation of CEQA, that the City Traffic Engineer has not reviewed the documentation, an EIR was not prepared, and the Bypass is not the answer. She is also concerned about the Level of Service.
- (d) Pat Loe, Hollister, CA said that if the Mitigated Negative Declaration is approved, the City Council will not see the conditions. The Level of Service for traffic and wastewater are her two main concerns. Mrs. Loe added that approval must be based on correct information.
- (e) Jason Noble, Hollister, CA representing the applicants stated that staff received the study, staff studied the documentation and approved the information as well as other agencies. He assured the City Council that the out of town applicant is not trying to get out of anything and will continue to work with the City staff.
- (f) Council Member Emerson moved to adopt Resolution No. 2005-55, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

HOLLISTER APPROVING A MITIGATED NEGATIVE DECLARATION FOR THE JAMANN MINOR SUBDIVISION LOCATED AT CUSHMAN STREET AND NASH ROAD IN THE CITY OF HOLLISTER (APN #057-230-001, -002, -003, AND -019) and to make certain that the conditions are stated by the Planning Commission. Motion seconded by Council Member Scattini and carried by a unanimous vote.

3. Resolution No. 2005-56, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER ADOPTING AN AUTOMATIC AID AGREEMENT BETWEEN THE CITY OF HOLLISTER FIRE DEPARTMENT AND THE SAN BENITO COUNTY FIRE DEPARTMENT.
  - (a) Received transmittal dated April 4, 2005, A Resolution of the City Council of the City of Hollister, from Fire Chief Garringer.
  - (b) Council Member Pike moved to adopt Resolution No. 2005-516, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER ADOPTING AN AUTOMATIC AID AGREEMENT BETWEEN THE CITY OF HOLLISTER FIRE DEPARTMENT AND THE SAN BENITO COUNTY FIRE DEPARTMENT. Motion seconded by Council Member Emerson and carried by a unanimous vote.
4. Resolution No. 2005-57, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE PROFESSIONAL SERVICES CONTRACT WITH AURUM CONSULTING ENGINEERS MONTEREY BAY, INC.
  - (a) Received transmittal dated April 6, 2005, A Resolution of the City Council of the City of Hollister approving the professional services contract for Electrical Engineering for the North Street Extension project with Aurum Consulting Engineers Monterey Bay, Inc., from Assistant Civil Engineer Kelley.
  - (b) Council Member Emerson moved to adopt Resolution No. 2005-57, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE PROFESSIONAL SERVICES CONTRACT WITH AURUM CONSULTING ENGINEERS MONTEREY BAY, INC. Motion seconded by Council Member Scattini and carried by a unanimous vote.

**E. REPORTS OF CITY COUNCIL, OFFICERS, BOARDS, AND COMMITTEES:**

1. Reports from City Council, City Manager, City Attorney, and Staff.
  - (a) City Manager Quilter - Special meeting/study session next Monday will

include HIRC, Airport, and CalCard Use & Policy; together with Billy Avera and Robert Galvan, Mr. Quilter will prepare an agenda for an Economic Development Committee meeting; and received proposals from two firms for the City Council retreat which may be held during the third week in May to develop guiding principal for the City.

- (b) City Attorney Cass - nothing to report.
- (c) City Clerk Johnson - announced that the Farmer's Market will start on Wednesday, May 4 in historic downtown Hollister.
- (d) City Council Member Pike, District 1 - urged all bicyclists to contact him for a bike park; attended the Homeless Task Force and casino meetings; commended everyone involved with the "Every 15 Minutes" - it was a great event; commended the San Benito High School staff and our public safety personnel for organizing and participating in the "Every 15 Minutes"; and reminded parents to be cautious and aware of the West Nile Virus when their kids go outside.
- (e) City Council Member Emerson, District 4 - also attended the "Every 15 Minutes" and offered a special thanks to our public safety personnel as well as Wayne Morgan at San Benito high School; attended the Homeless Task Force meeting - they now have 42 members and a seven member Board of Directors; San Benito County applied for a CDBG grant for the homeless shelter; they need to fund raising for a million dollar insurance policy to cover the shelter; thanked Randy Brown for coming to the board as he will provide Mental Health assistance to those in need; March was Colorectal Cancer Awareness Month and Mr. Emerson urged everyone to be screened; thanked Rotary for donating \$500 toward publicity; will be out of town until Tuesday; and he announced that he adopted a dog from the Animal Shelter.
- (f) City Council Member Johnson, District 5 - thanked Dennis Rose for a tour of the wastewater treatment plant; she is available to the public and will be at the Street Festival in August and the County Fair in September/October and encouraged City Council Members and Department Heads to join her; and she will not be available on May 21.
- (g) City Council Member Scattini, District 2 - announced that he has four rabbits in his backyard; attended the Airport Advisory Commission meeting last week; and he announced that he submitted a questionnaire to everyone in his District regarding the proposed casino and people are about 50-50 on the issue.
- (h) Mayor Valdivia, District 3 - received a letter thanking the city Council for scheduling discussion of the Airport on April 25; announced that next month is Older Americans Month and urged everyone to take their Mom or Dad or Grandparents to lunch or dinner, send them



flowers, or send them a thank you note; has been busy with the Governance Committee regarding Water and the Wastewater Master Plan; met with the sub-committee to discuss the proposed casino; commended Council Member Scattini for doing a survey in this District on the proposed casino; and attended the public meeting sponsored by the Gang Task Force Committee which is in full force.

2. Reports from City Council Committees.

(a) Received reports in the items listed above in Council Reports.

3. January, 2005 and February, 2005 City of Hollister and Hollister Redevelopment Agency Financial Progress Reports.

(a) Received transmittal dated April 18, 2005, January, 2005 and February, 2005 City of Hollister and Hollister Redevelopment Agency Financial Progress Reports, from Administrative Services Director Galvan.

(b) The City Council Members thanked Administrative Services Director Galvan and his staff.

(c) Information only; no City Council action taken.

**F. UNFINISHED BUSINESS:**

1. Receive oral report regarding water and wastewater issues.

(a) Received transmittal dated April 13, 2005, Update on Water and Wastewater Issues, from City Manager Quilter.

(b) Received memorandum dated April 18, 2005, Update on Water and Wastewater Issues, from City Manager Quilter.

(c) Information only; no City Council action taken.

**G. NEW BUSINESS:**

1. Consider Policy for Procurement of Professional Services.

(a) Received transmittal dated April 13, 2005, Consider Policy for Procurement of Professional Services, from City Manager Quilter.

(b) Council Member Johnson moved to approve a policy for procurement of professional services with the limits the same as the Purchasing Policy adopted in 2002 and to bring the procurement of professional services back to the City Council in six months for a review. Motion seconded by Council Member Emerson and carried by a 4-1 vote,

City Council Regular Meeting  
April 18, 2005

Council Member Scattini voting No.

**H. MISCELLANEOUS:**

None.

**ADJOURNMENT:**

There being no further business to come before the City Council of the City of Hollister, the regular meeting of April 18, 2005, was adjourned at 9:24 p.m. by motion of Council Member Johnson. Motion seconded by Council Member Emerson and carried by a unanimous vote.

Respectfully submitted,

Geri Johnson, CMC  
City Clerk